

# The Odisha Gazette

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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No. 2393, CUTTACK, FRIDAY, OCTOBER 13, 2023/ASWINA 21, 1945

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HOUSING & URBAN DEVELOPMENT DEPARTMENT

NOTIFICATION

The 13th October, 2023

**DRAFT**

**Odisha Apartment (Ownership and Management) Rules, 2023**

No. 20467— HUD-TP-POLICY-0005/2020/HUD.— The draft of certain rules which the State Government proposed to make in exercise of powers conferred by Section 33 of the Odisha Apartment (Ownership and Management) Act, 2023 and in supersession of all rules in so far as they relate to the subject covered under these rules except as respects things done or omitted to be done before such supersession, is hereby published in the Odisha Gazette for information of all persons likely to be affected thereby and the notice is hereby given that the said draft will be taken into consideration on or after expiry of a period of thirty days from the date of publication in the Gazette.

Any objection or suggestion which may be received from any person or Authority in respect of the said draft before the expiry of the period so specified will be considered by the State Government.

**DRAFT**

**1. Short title and commencement.-** (1) These rules may be called the Odisha Apartment (Ownership and Management) Rules, 2023.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

**2. Definitions.** – (1) In these rules unless the context otherwise requires,-

- (a) “Form” means form appended to these rules;
- (b) “Act” means the Odisha Apartment (Ownership and Management) Act, 2023;
- (c) “RE (R&D) Act” means the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);
- (d) “Schedule” means the Schedule appended to these rules; and
- (e) “Section” means a section of the Odisha Apartment (Ownership and Management) Act, 2023.

(2) Words and expressions used herein but not defined in these rules but defined in the Act, the RER&D Act or any other relevant law for the time being in force, shall have the same meaning as, respectively, assigned to them in the Act, law and rules.

**3. Formation and registration of association of allottees.** – (1) The promoter or the allottees shall submit an application in **Form A** to the competent authority for formation and registration of association of allottees accompanied with their bye-laws for its approval.

(2) The association of allottees shall be formed in consonance with the model bye-laws as specified in the Schedule to these rules.

(3) The Competent Authority after satisfying himself that the proposed association of allottees and its bye-laws are in consonance with the provisions of the Act and the RE(R&D) Act, shall register the association of allottees for the purposes of the Act and from the date of such registration the association of allottees so formed shall become a body corporate by the name under which it is registered and shall discharge its powers and duties and perform functions in accordance with the provisions of the Act and the rules made thereunder and bye-laws as approved by the Competent Authority.

(4) Where separate association of allottees in the project is required to be formed as referred to in the first proviso to sub-section (4) of Section 14, the Promoter or the allottees as the case may be submit separate application for formation of each such association in Form A to the Competent Authority.

(5) The Competent Authority shall grant Registration Certificate in Form B.

**4. Modification of bye-laws of association of apartment owner.-** In case of association of apartment owners, by whatever name called, registered under any law for the time being in force, prior to commencement of the Act, the person in charge of office of the said association of apartment owners shall make an application in Form C to bring their bye-laws in consonance with the provisions of the model bye-laws specified in the Schedule.

**5. Submission of declaration.** -(1) The Promoter shall immediately after issue of Occupancy Certificate, but not later than thirty days from the date of issue of such certificate, submit a declaration in **Form D** as per section 9 before the competent authority: Provided that where the apartment has already been handed over to the apartment owners before commencement of the Act and the Promoter is unable to submit declaration, the competent authority after observing the procedure mentioned in sub-section (2) of Section 9 may allow the association of the apartment owners to submit the declaration in **Form D**.

(2) The competent authority shall after making necessary scrutiny make an entry in the register in **Form E**.

**6. Amendment of the declaration.-** (1) A declaration may be amended under any of the following circumstances, namely:-

- (a) When there is bona fide mistake in the declaration;
- (b) When after submission of declaration, there is any alternation in the description of nature of the property or building or any part thereof to which such declaration relates; or
- (c) When the competent authority suggests that an amendment is necessary for carrying out the purpose of the Act.

(2) Where under any of the circumstances specified in sub rule (1), any amendment is to be made in the declaration, the promoter or association of allottees, as the case may be, shall submit to the competent authority, a fresh declaration in **Form D** super scribed as "**Amendment to the Declaration**" incorporating amendments suggested in place of the portion or portions to be amended.

(3) The competent authority after making necessary scrutiny shall make entry in register in Form E and upon such entry such declaration shall be final.

**7. Execution of deed of transfer of Apartment.** - (1) The Promoter shall execute first deed of transfer of apartment in favour of allottee or transferee and another deed of transfer in favour of association of allottees in respect of common areas of the project and submit the same along with the documents mentioned in sub-section (2) of Section 8 including the deed of agreement for sale executed under the provisions of the RE(R&D) Act and the rules made thereunder in duplicate to the competent authority and the competent authority after satisfying himself as to the correctness of the content thereof make an endorsement of his acceptance on the body of the said deed certifying the fact of his acceptance under his signature and official seal and return the same along with the enclosed documents to the promoters or the transferor, as the case may be, for its registration by the registering authority empowered under the Registration Act 1908(16 of 1908) and who shall, after registering the deed forward a certified copy of the deed of transfer of apartment to the competent authority to enable him to make necessary entries in the register maintained in Form F.

**8. Memorandum of appeal.** - (1) Any person aggrieved by an order passed, or direction issued under the Act and the rules made thereunder or the bye-laws may prefer an appeal, in Form G before the Appellate Authority within a period of thirty days from the date of issue of the order or direction accompanied with fee of one hundred rupees.

(2) The fee shall be paid in the form of demand draft drawn on any Scheduled Bank or through online mode as may be notified by the State Government.

**FORM-A****(see sub-rules (1) and (4) of rule 3)****(Application for registration of Association of allottees)**

To  
**The Competent Authority**

.....

.....  
 Sir,

\*I, ..... Promoter of the apartment project registered with the Odisha Real Estate Regulatory Authority, Bhubaneswar under the name and style of. .... (the copy of such registration is annexed to this application as *Annexure 1*) apply for registration of the Association of allottees formed by the allottees of the aforesaid Project. Details of such formation in the form of Memorandum (as annexed to this application as *Annexure-2*) along with the byelaws.

Place

Date

Yours faithfully

**Signature of the Promoter**

Or

\*I, on behalf of the allottees, being allotted with the Apartment under the Project registered under the Odisha Real Estate Regulatory Authority, (the copy of the registration of the aforesaid Project is annexed to this application as Annexure-1) apply for the registration of the Association of Allottees, which has been formed in a general body meeting duly held on ..... in the presence of the allottees, under the name and style of. .... for the Apartment under the Project. Detail of such formation in the form of memorandum (as annexed to this application as *Annexure-2*) along with the bye-laws.

**Secretary**

**Association of Allottees with Seal**

**Note\*** Strike out which is not applicable

**Annexure-1**

Enclosed attested copies of the documents submitted for registration of the Project and Registration Certificate of the Project issued under the Odisha Real Estate (Regulation and Development Rules, 2017 annexed to **Form A**.

**Annexure-2****MEMORANDUM**

(Name) .....  
 Association of Allottee of ..... Apartment Project. ....  
 .. place. I, hereby communicate that in a general meeting of the allottees duly held on..... formed the Association of Allottees in pursuance of the provisions of the Real Estate (Regulation and Development) Act,2016 read with the provisions of the Odisha Apartment (Ownership and Management) Act, 2023 and the Odisha Apartment (Ownership and Management) Rules,2023 under the name and style of .....  
 ..... for our apartments at (address) ..... under the Project as registered under the RE R&D Act,2016 and under the bye laws framed under the said Act and elected following allottees as members of the Executive Committee of the said Association.

**Name, address, Designation, Occupation and Signatures of the members of the Executive Committee.**

Sl . No.	Name	Fathers Name	Address	Occupat ion	Designation	Signature
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.					President	
2.					Vice-President	
3.					Secretary	
4.					Asst.Secretary	
5.					Treasurer	
6.					Executive Member	
7.					Executive Member	

No.	Name and address of allottees (Present)	Booking No. of Apartment / Apartments	Signature
1			
2			
3			
4			
5			
6			
7			

**Add more rows for additional allottees**

**Signature of the Secretary of the Association  
with seal and date**

Signature of the witness, other than the Members of the Association of Allottees.

1.Sri .....

Address

2. Sri .....

Address

**FORM B**

**[see rule 3(5)]**

**Registration of Certificate of association of allottees**

**Regd. No.. . . . .**

**Date. . . . .**

**Office of the Competent Authority,**

. . . . .

Certified that . . . . . (Name of Association) has been registered under sub-section (2) of Section 15 of the Odisha Apartment (Ownership and Management) Ordinance, 2023.

Issued this. . . . . day of. . . . . 202. . . . . under my signatures and seal.

**Competent Authority**

**with Seal**

**FORM-C**

**(see rule 4)**

**Application for modification of bye-laws of the existing Association of Apartment Owners under the Proviso to sub-section (1) of Section 15.**

**To**

**The Competent Authority**

.....

.....

**Sir**

I hereby communicate that in the general body meeting duly held on .....  
....., the ( Name) Association of Apartment Owner of .....  
..... (Name) Apartment have modified the bye-laws of the  
said Association in consonance with the provisions of the Odisha Apartment  
(Ownership and Management) Act, 2023 and a consolidated copy of the  
bye-laws is enclosed herewith for approval.

Yours faithfully

**Signature of Secretary**

**(Name) Association of Apartment Owner**

**with seal**

**FORM D****(see rule 5(1))****Declaration by Promoter/Association of allottees under section 9 of the Odisha Apartment (Ownership and Management) Ordinance, 2023.**

From

.....

.....

Promoter/Association of Allottees of ..... (Name of the Apartment, Place.)

To

**The Competent Authority**

.....

.....

Sir,

1. In pursuance of section 9 of the Odisha Apartment (Ownership and Management) Act, 2023 I/we hereby declare that I/we am/are the owner/owners of the \_\_\_\_\_ property/apartment situated at \_\_\_\_\_ city/town/village \_\_\_\_\_ in the District of \_\_\_\_\_ and do hereby further declare that I/we submit the said property/apartment contained \_\_\_\_\_ number of apartment(s), together with the common areas and facilities meant for \_\_\_\_\_ purpose to the provisions of the Odisha Apartment (Ownership and Management ) Act, 2023 and all amendments thereto.

Or

The Association of allottees in pursuance of Section 9 of the Odisha Apartment (Ownership and Management) Act, 2023 declare that the Promoter(s) are the owner/owners of the \_\_\_\_\_ property/apartment situated at \_\_\_\_\_ city/town/village \_\_\_\_\_ in the District of \_\_\_\_\_ and do hereby declare that we submit the said property/apartment

contained\_\_\_\_\_ number of apartment(s), together with the common areas and facilities meant for\_\_\_\_\_ purpose to the provisions of the Odisha Apartment (Ownership and Management ) Act,2023 and all amendments thereto.

2. Authenticated copies of the site plan, layout plan and building plan, sanctioned by (Name of the Planning Authorities) are appended herewith and marked respectively, as *Annexure "A,B,C"*. The relevant ownership documents also appended herewith and marked as *Annexure-D*.
3. I/we \_\_\_\_\_do hereby furnish further the following particulars as required under sub-section (3) of Section 9 of the said Act:
  - (A) Details of the land including the right, title and interest on which the buildings and the improvements are or to be located and the status of the land (free hold or lease hold).
  - (B) Description of the building stating the number of stories and basements, the number of apartments and the principal materials of which it is or is to be constructed.
  - (C) Description of the apartment, number of each apartment along with its location, approximate area, number of rooms, immediate common area to which it has access and other necessary information for its proper identification.
  - (D) Description of common areas and facilities including lifts.
  - (E) Approved plan of the Project from the authority competent to approve the said plan;
  - (F) Details of value of the property and of each apartment and the percentage of undivided interest in the common areas and facilities pertaining to each apartment and its owner.

(G) The statement that the apartment and the percentage of undivided interest are not encumbered in any manner what so ever on this day of \_\_\_\_\_ (month) 20\_\_\_\_\_.

-

(H) Statement indicating the purposes for which the building and each of the apartment are intended and restricted to be used.

(I) The copy of the registration certificate of the Association of allottees or association of apartment Owners, as the case may be;

(J) A copy of registration of the Project by the RER&D Authority, if any,

4. I/we \_\_\_\_\_ do hereby further declare 'covenants' and undertake as follows: -

(i) that each apartment constitutes a single unit transferable and heritable as such;

(ii) that each apartment owner, present or future, shall be entitled to an undivided interest in the common areas and facilities in the percentage expressed in the declaration and appurtenant to each apartment;

(iii) that common areas and facilities, general or restricted, shall remain undivided and that I/we shall not bring any action for partition or division thereof so long as the property remains submitted to the provisions of the Act;

(iv) that the percentage of undivided interest in the general or restricted common areas or facilities as expressed in the declaration shall not be altered except with the consent of all of us expressed in an amended declaration duly executed and registered as provided in the Act;

(v) that during the period for which the property remains subject to the said Act, no encumbrance of any nature shall be created against the

property, though such an encumbrance may be created only against each apartment and the percentage of undivided interest in the common areas and facilities appurtenant to such apartment, in the same manner as in relation to any other separate parcel of property/subject to individual ownership;

(vi) that the percentage of the undivided interest in the common areas and facilities shall not be separated from the apartment to which it appertains and shall be deemed to be conveyed or, encumbered with the apartment even though such interest is not expressly mentioned in the conveyance or other instrument ;

(vii) that I/we shall not do anything which would be prejudicial to the soundness and safety of the property or reduce the value thereof, impair any easement or hereditament nor shall alter any material structure nor excavate any additional basement or cellar;

(viii) that I/we shall not sell or otherwise transfer or rent out my/our apartment for any purpose other than the permitted use;

(ix) that for the proper and effective administration of the property and for the due maintenance, repair and replacement of the common areas and facilities I/we shall strictly comply with the provisions of the said Act and the bye laws made thereunder and shall pay my/our share of common expenses as assessed by the association of allottees from time to time, and that the failure to comply with any such requirement shall be a ground for action for damages or for other relief or reliefs at the instance of the Secretary on behalf of the association of allottees or in a proper case, by an aggrieved apartment owner or the Competent Authority;

(x) I/we further declare that conveyance deed in favour of association of allottees shall be executed in respect of undivided title in common area of the Project/ Apartment ;

(xi) I/we further, declare and undertake that I/we shall not construct any illegal/unauthorized structure in common areas and facilities and if anything has been done contrary to the provisions of the Real Estate (Regulation and Development) Act, 2016 or the rules made thereunder or this undertaking, that shall be demolished in accordance with law and the cost of such demolition shall be recovered from me/us.

In witness whereof I/we have set out hands this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

and solemnly declare that what is stated herein above is true to my/our knowledge.

**Signature of Promoter or Secretary, Association  
of Allottees.**

**FORM E**

**[see rule 6(3)]**

**ENTRY REGISTER RELATING TO DECLARATION**

**Date of Entry is the Register-**

**Sl.No.-**

**Name of the Project-**

**LAND DETAILS**

**Name of the land owner(s)-**

**POA holder, if any-**

**Kh No(s) –**

**Pl. No(s)-**

**Extent of area-**

**Extent of area covered under the project –**

**Classification –**

**Name and Address of the promoter(s)**

**Name of the promoter-**

**Address –**

**Ph No.**

**Email-**

**Details of deed of execution**

**Name of the executing \_\_\_\_**

**Date of transfer**

**Date and Registration No. of the deed of execution-**

**Plan approval Details**

**Approving Authority**

**Letter No. and date of approval –**

**ORERA Registration Details**

**Date of Registration -**

**Registration No. –**

**Details of Apartment**

**No of Blocks-**

**No. of floors in each block -**

**No. of Apartments in each block -**

**Amendment of Declaration (if any):**

**Date of submission –**

**Date of acceptance / rejection-**

**Remarks-**

**Name**

**Signature of competent Authority with seal**

**FORM F****(see rule 7)****Register for Deed of Transfer of Apartment**

1. Name of the project:
2. Address of the project:
3. No. of floor of the building:
4. No of block in the building:
5. No of apartments of the building:
6. District and Tahasil in which the deed of transfer of the apartment is registered:

<b>Sl.No.</b>	<b>Name and address of the transferor of the apartment</b>	<b>Date of execution of conveyance deed</b>	<b>Date of Registration with serial number volume and page.</b>	<b>Name and Address of transferor/ subsequent transferor of the Apartment</b>
(1)	(2)	(3)	(4)	(5)
1				
2				
3				
4				
5				

**FORM G**  
**(see rule 8)**

**Form of Memorandum of Appeal under section 25 of the Odisha Apartment (Ownership and Management) Act, 2023.**

**For Office Use Only**

**Date of filing:**

**Date of Receipt by Post:**

**Signature of Receiving Officer  
with seal.**

Before the Appellate Authority. . . . .

(Name of Place)

**Appeal No . . . . .date. . . . .**

Name and address of the Appellant(s) . . . . . Appellant

Contact detail with Phone number and Email.(if any)

**Vrs**

Name and address of the Respondent . . . . . Respondent

with contact details and Email(if any).

(2) Jurisdiction of the Appellate Authority: The appellant shall declare that the subject matter of the claim falls within the Jurisdiction of the Appellate Authority.

(3) Limitation of the appeal:- (If filed after expiry of the limitation specified in section 25 of the Odisha Apartment (Ownership and Management) Ordinance, 2023, Specify the reason of the delay):

(4) Brief facts of the case: (Give a concise statement of facts and grounds for complaint).

(5) Relief(s) sought for: Specify below the relief (s) claimed explaining the grounds of relief and the legal provision (if any) relied upon

(6) Interim order, if any, prayed for: (Pending final decision on the appeal, the Appellant seeks issue of the following interim order):

(Give here the nature of the interim order prayed for with reason).

(7) Certificate to the effect that the matter not pending with any other Courts now etc.

(8) Particular on payment of  
fee:

enclosures: document) including an authenticated copy and the order against  
appeal is filed.

(9) List of  
which

### **Verification**

I, ..... (Name in below) Son/Daughter of Sri .....  
....., the Appellant do hereby verify that the content of paragraphs (1-9) are true to  
my personal knowledge and belief and that I have not suppressed any material facts.

Place:\_\_\_\_\_

Date:\_\_\_\_\_

**Appellant**

**SCHEDULE**  
**[see rule3(2)]**

**(Model Bye Laws for the association of allottees under section 15 of the Odisha Apartment (Ownership & Management) Act,2023.**

**Bye laws of (Name of the project) association of allottees**

**1. Name of the association of allottees.-**(1) The name of the association of allottees shall be .....

(2) The registered office of the association of allottees shall be at..... in.....

**2. Definitions.-** (1) In these bye- Laws, unless the context otherwise requires.-

(a) “RE (R&D) Act” means the Real Estate (Regulation and Development) Act,2016 (16 of 2016);

(b) “allottee” means an allottee as defined in the Act;

(c) “association of allottees” means an association of allottees as defined in the Act;

(d) “authority” means the Odisha Real Estate Regulatory Authority established under sub-section (1) of section 20;

(e) ‘Executive Committee’ means the committee consisting of the President, Vice-President, Secretary, Treasurer and three executive members who shall be elected in accordance with these bye-laws and shall be responsible for day-to-day management of the association of allottees;

(f) Extraordinary resolution means a resolution passed by general body meeting with the Consent of ninety percent of total members of the association of allottees;

(g) “general body” means all the members of the association of allottees;

(h) “member” in relation to the project concerned, means a person to whom apartment or building, as the case may be, has been allotted, sold or otherwise transferred by the promoter in accordance with the provisions of the RE(R&D) Act, but does not include a person to whom such, apartment or building, as the case may be, is given on rent;

(i) ‘majority’ means fifty one percent of the members present in person;

(j) “Act” means the Odisha Apartment (Ownership and Management) Act, 2023;

(k) “ordinary resolution” means a resolution passed with the consent of fifty-one percent of the members of the association of allottees;

(l) 'Project' means the real estate project as defined and registered under the RE(R&D) Act;

(m) "reserved matters" means the list of matters, decisions in respect of which can be taken only in an Extraordinary general body meeting of the members held in accordance with these bye-laws such as, —

(a) to amend the bye-laws of association of allottees;

(b) decision regarding dissolution of the association of allottees; and

(c) matters pertaining to section 9, Section 15 and section 30 of the Act; and

(n) 'special resolution' means a resolution passed by the members, with two third votes in favour of resolution.

(2) Words and expressions used in these bye-laws, but not defined herein above, but defined in the Act shall have the same meaning respectively assigned to them in the Act.

**3. Aims and objective of the association of allottees.-** The association of allottee is established in pursuance of the provisions of the RE(R&D) Act and the Act shall carry out the following objectives, namely:- (a) to ensure the entitlements of all allottees as provided under the RE (R&D) Act and the rules made there under;

(b) impose and collect the share of the common expenses from the apartment owners;

(c) provide for maintenance, repair and replacement of common areas and facilities by proportionate contribution from the apartment owners;

(d) impose such restrictions in the requirements relating to use and maintenance of the apartments and the use of common areas and facilities not set forth in the declaration, as are designed to prevent unreasonable interference with the use of the respective apartment and of the common areas and facilities by the several apartment owners;

(e) keep the financial records and book of Accounts;

(f) retain and rent out on license, suitable portions of the common areas and facilities to non-residents for commercial purpose, if all the members agree and give written consent after obtaining the permission of the competent authority and concerned authority and to distribute the resulting proceeds to the apartment owners or application thereof in reduction of the common charges for maintaining the buildings or to accumulate the same for making a reserve fund, to be used for major repairs of the buildings;

(g) designation and removal of persons employed for the maintenance, repair and replacement of the common areas and facilities;

(h) the income and/or Funds/deposit of the association of allottees, if any, shall be utilised only for the objectives of the association of allottees;

(i) decide percentage of votes required to amend the bye-laws;

(j) carry-out socio-cultural or recreational activities with individual/institution for the benefit of the apartment owners; and

(k) frame procedure for the method of adopting and amending administrative rules and regulations governing the details of operation and use common areas and facilities.

**4. Membership of the association of allottees.-** (1) All allottees of the project in whose favour allotment letter has been issued by the promoter shall be eligible to become members of the association of allottees by paying membership fees of Rs. 100/- (Rupees one hundred only).

(2) No person other than the allottee shall be entitled to become a member of the association of allottees.

(3) Each member may receive a copy of the bye-laws on payment of Rs.3/- (Rupees three only) for each page.

(4) All members shall accept and strictly adhere to these bye-laws.

(5) Upon transfer of any apartment or building, as the case may be, in the project by an allottee by way of sale, gift, will or otherwise, the purchaser or the donee or the legatee, as the case may be, shall become a member of the association of allottees on the basis of such transfer and the transferee after becoming owner thereof shall be admitted as member on payment of the transfer fee of Rs.100/- (Rupees one hundred only).

(6) A member dying intestate may be substituted by his legal heirs or representatives on production of documents to the satisfaction of the Executive Committee of the association of allottees and where any legatee is a minor, he shall be represented by his legal guardian.

(7) The legal heirs or representatives of the deceased shall succeed to the rights and liabilities of the deceased as a member of the association of allottees.

(8) Any person entitled to become a member of the association of allottees on account of reasons mentioned in sub-clauses (5) and (6) of this clause shall sign and execute such applications, forms, agreements, etc. as are required by the promoter and the association of allottees to put such new member in place of the outgoing member.

**5. Joint allottees: -** Where an apartment or a building, as the case may be, is allotted to two or more persons, (not being members of one family), the person whose name stands first in the Agreement for sale of such apartment or building, as the case may be, shall become the member of the association unless such joint allottees nominate one amongst them to be a member of association in respect of such apartment or building, as the case may be.

**6. Disqualification. -(1)** No allottee shall be entitled to vote in the election of office bearers of the association including the President, Vice-President, Secretary, or Treasurer and also shall not be eligible to contest for election to such office if he is in arrears in respect of his dues payable to the association of allottees under the bye-laws.

(2) No allottee shall be entitled to participate in any meeting for passing any resolution if he is in arrears in respect of his dues to the association of allottees under the bye-laws.

**Note:** — The names of allottees and the amounts in arrears shall be displayed at least 15 days before the date of meeting on the notice board at the office of the association of allottees till such time, as the arrears remain un-cleared.

(3) The association of allottees shall also be entitled to take appropriate action including disqualification from membership against any member who violates the conditions of any of the clauses specified in these bye-laws.

(4) Where any person transfers his apartment by way of a sale, gift, exchange or in any other manner, he shall cease to be a member of the association of allottees.

**7. Voting.-** (1) Each allottee shall have one voting right, in case of, -

- (a) an Individual member, himself or herself, in person;
- (b) trust, by any of the Trustees, duly authorized by the other Trustees;
- (c) substituted Legal heirs, any member of the family who is a member of the association of allottees;
- (d) Joint ownership, the individual nominated to be a member of the association of allottees;
- (e) a legal heir who is a minor, his or her legal guardian; and
- (f) a registered company, by a director, or any officer duly authorized by the company.

(2) Voting will be by secret ballot, or show of hands as decided by the President.

(3) Each member shall have only one vote to cast irrespective of the number of the apartments held by that member in the project.

**8. Quorum.** - Except as otherwise provided in these bye-laws—

- (a) the presence of minimum 2/3rd of the members shall constitute a quorum for general body meeting;
- (b) the presence of minimum 3/4th of the members shall constitute a quorum for conducting election to the Executive Committee or dissolution of the Executive Committee or removal of any elected member to any of the office of office bearers of the association of allottees;
- (c) the presence of minimum 2/3rd members of Executive Committee shall constitute a quorum for all meetings of the association of allottees; and

- (d) the presence of minimum 90% (Ninety percent) of the members shall constitute a quorum for extra-ordinary general body meeting for decision on any of the matters listed in reserved matters list.

**9. Vote to be cast in person only.**-In any meeting of the association of allottees, vote may be casted in person only.

**10. First Annual General Body Meeting and election of President.** -(1) The first annual general body meeting of the association of allottees shall be held within six months from the date of registration of association of allottee for election of President and other office bearers of the association of allottees.

(2) The President of the association of allottees after being duly elected shall preside over the meetings at that first meeting and thereafter.

(3) In absence of the President, the Vice-President shall Chair the meetings.

(4) The annual general body meeting of the association of allottees shall be held every year within two months of the end of financial year, unless there arises any urgency for calling the emergent meeting earlier.

**11. Notice of Annual General Body Meeting.**- (1) Notice of every annual general body meeting shall be given to all members at least twenty-one days prior to the date of such meeting and such notice shall contain the date and time, place and agenda of the meeting.

(2) The notice shall also be displayed on the notice board of the office of the association of allottees.

(3) A general body meeting may be held at the request of 51% of the members of the association of allottees by furnishing fifteen days prior written notice to discuss certain emergent issues.

**12. Extraordinary General Body Meeting.**- (1) Extra-ordinary general body meeting may be called for taking decision on any of the reserved matters.

(2) Notice of every Extraordinary general body meeting shall be given to all members at least (seven) 07 days prior to the date of such meeting and such notice shall contain the date, time, place and agenda of the meeting,

(3) The notice shall also be displayed on the notice board of the office of the association of allottees.

**13. Adjourned meeting.**- If any meeting could not be held for want of quorum, the members who are present may adjourn the meeting to a time not less than 24 hours from the time the original meeting was called and if at such meeting also, no quorum is present, then the meeting shall stand adjourned to another date, not beyond a period of one month from the date fixed for the first meeting, which may be held without quorum.

**14. Minutes.**- (1) The Secretary shall cause to be entered all proceedings of meetings of the association of allottees into the minute book.

(2) The pages of the minute books must be consecutively numbered and authenticated by the President of the association of allottees.

**15. Resolution.-** (1) Agenda of the meeting shall be discussed and decision shall be taken, ordinarily, in the form of a resolution.

(2) Agenda relating to, —

(a) expulsion of any member; or

(b) matters pertaining to common expenses, budget and finance, etc.,

shall be decided by the special resolution.

(3) Agenda relating to, —

(a) to amend byelaws of association of allottees;

(b) decision regarding dissolution of the association of allottees; and

(c) matters pertaining to section 9, section 15 and section 30 of the Act, shall be decided in an extra-ordinary meeting.

**16. Executive Committee, election and term of office.-** (1) The affairs of the Association shall be managed by the Executive Committee.

(2) The Executive Committee of the association of allottees shall consist of President, Vice- President, Secretary, Treasurer and three Executive members.

(3) The members of Executive Committee shall not be entitled to any remuneration.

(4) The term of members of the Executive Committee shall be for two years.

(5) The members of Executive Committee shall be elected at the annual general body meeting before expiry of the term of existing Executive Committee.

(6) The first election to the Office of the members of the Executive Committee shall be held with at least seven allottees as member and shall continue unless removed earlier, for a period of two years from the date of election.

**17. Power and functions of the Executive Committee.-** (1) The Executive Committee shall have the following powers and functions, namely:—

(a) the Executive Committee shall perform all the functions necessary for the management of the affairs of the association of allottees including those specifically delegated by the association of allottees:

Provided that the Executive Committee shall exercise its powers subject to the provisions of these bye-laws;

(b) The Executive Committee shall also have the powers to co-opt two persons from among the members, to assist the Executive Committee in its day-to-day activities and in such case, the persons so co-opted shall become associate members, but such associate members shall have no right to vote in the meetings of the Executive Committee;

(c) to expel a member;

(d) to prepare the annual budget; and

(e) to implement the orders passed in the general body meeting and to do other things which are in the interest of the association of allottees.

(2) The Executive Committee shall have the responsibility to carry out orders, directions or instructions of any competent authority.

**18. Powers and functions of office bearers of Executive Committee.—** The following powers shall be exercised and the functions shall be performed by the office bearers, namely:—

**(I) President:**

- (a) The President shall preside over the meetings of the Executive Committee as well as general body meetings;
- (b) The President shall have all of the general powers and function which are usually vested in the office of the President of an association of allottees, including, but not limited to assist in the affairs of the association of allottees.

**(II) Vice-President:**

- (a) In the absence of the President, the Vice-President shall perform the functions of the President;
- (b) in case both the President and the Vice- President are absent, the Executive Committee shall appoint some other senior member of the Executive Committee to act as the President as an interim arrangement; and
- (c) the Vice President shall also perform such other functions as may be, from time to time, assigned to him by the Executive Committee.

**(III) Secretary:**

- (d) The Secretary shall be responsible for general administration and procedural functions of the association of allottees;
- (e) the minutes of all the meetings shall be kept by the Secretary;
- (f) notices of all meetings shall be issued under his signature;

- (g) he shall have the charge of all records and documents of association of allottees;
- (h) he shall perform all duties as directed by the Executive Committee or incidental to the office of the Secretary; and
- (i) the Secretary Shall be the Authorized spokesperson and carry out all correspondences on behalf of the association of allottees.

**(IV) Treasurer:**

- (a) All the financial functions and other related functions in respect of the association of allottees shall be carried out by the Treasurer;
- (b) the Treasurer shall be responsible for the funds as may be collected from the members;
- (c) he shall also keep full and accurate accounts of all receipts and disbursements in the cash books and also perform such other duties as may be directed by the Executive Committee;
- (d) he shall operate the bank Account in the name of the association of allottees in such Bank as may be decided by the Executive Committee; and
- (e) he shall keep not more than five thousand rupees in his hand for day to day expenditure of the association of allottees and the rest amount shall be deposited in the Bank Account within seven working days from the date of collection.

**19.Vacancies.-** The vacancy in the office of any office bearer of the association of allottees by reason of death or otherwise shall be filled by a decision to be taken in the general body meeting and in case it is not possible any other elected member may be kept in charge till the election is held.

**20. Removal of members of Executive Committee.-** Any elected member may be removed from office by a decision of at least 2/3rd members of the association of allottees in a general body meeting only after giving him an opportunity of hearing.

**21. Organization of meetings of Executive Committee.-** (1) The 1st meeting of a newly elected Executive Committee shall be held within (thirty) 30 days of election at such place as may be decided by the President by the meeting at which such members were elected.

(2) No notice shall be necessary to the newly elected members in order to convene such meeting provided a majority of the members of the Executive Committee are present.

**22. Regular meetings of Executive Committee.-** (1) Regular meetings of the Executive Committee may be held at least once in four months and not less than three times in a calendar year, on such time and place as may be decided by the President.

(2) Notice of regular meetings of the Executive Committee shall be given to each member personally or by Email or by Registered post at least seven clear days prior to the day fixed for such meetings.

(3) The Secretary shall maintain the minutes of meetings.

(4) The quorum of the meeting shall be more than half of the total number of members of Executive Committee

(5) In the absence of the quorum, the meeting shall be adjourned.

**22. Special meetings of Executive Committee.** — (1) Special meetings of the Executive Committee may be called by the President with prior notice to each member of the committee given personally or by mail or by registered post and such notice shall state the date, time, place and the purpose of meeting.

(2) The period of notice of such meeting shall be decided by the President depending upon the urgency of the matter to be discussed at such meeting.

**23. Emergency meetings of the Executive Committee.**—(1) Emergency meetings of the Executive Committee may be convened by the Secretary with permission of the President by a notice for convening the meeting.

(2) All decisions of the emergency meeting shall be ratified in a special meeting convened for the purpose within ten days of the emergency meeting, failing which the decision taken at emergency meeting shall stand void.

**24. Resignation:** — (1) An elected office bearer may resign at any time by sending a letter of resignation to the President or, in his absence, to the Secretary of the association of allottees and such resignation shall take effect from the date of acceptance by the Executive Committee or one month from the date of tendering resignation, whichever is earlier.

(2) Before acceptance of the resignation, the member may withdraw the same in writing.

**25. Obligations of the members.** - Every member shall abide by the provisions of the bye-laws of the association of allottees and follow all resolutions or decisions of the general body, as conveyed through the Executive Committee.

**26. Cessation of Membership.** -(1) An elected member shall cease to be such member if he is convicted in a criminal case involving moral turpitude.

(2) Membership of the association of allottees shall be terminated, if continuation of such member is considered to be against the interest of the association of allottees by the general body after giving a reasonable opportunity of being heard.

**27. Funds.**- Funds may be raised by the association of allottees in all or any of the following. ways, namely:-

(a) by membership fees and charges collected in accordance with bye-laws; and

(b) by contribution and donation from the allottees.

**28. Investment.-** The association of allottees may deposit its funds in any Nationalized or Scheduled Bank.

**29. Accounts.-**(1) The Treasurer shall keep proper books of accounts of all income and expenditure of the association of allottees and shall prepare income and expenditure account and balance sheet as on the 31st day of March of every Financial Year.

(2) The accounts of the association of allottees shall be audited by a qualified auditor or a firm of Chartered Accountant to be appointed by the Executive Committee.

(3) One or more bank account(s) in any Nationalized or Scheduled Banks may be opened in the name of the association of allottees.

(4) The bank accounts shall be operated jointly by the Secretary and Treasurer of the association of allottees.

**30. Publication of accounts and reports. –** (1) The financial year of the association of allottees shall be from the 1st of April to the 31st of March.

(2) A copy of the last financial statement and the report of the Auditor, if any, shall be kept in a conspicuous place in the office of the association of allottees and shall be placed in the general body of the association of allottees after being approved by the Executive Committee.

**31. Seal of the association of the allottees.-** (1) The association of allottees shall have a common seal which shall be in the custody of the Secretary and shall be used by the Secretary or any other person under the authority of the resolution of the Executive Committee .

(2) A chronological record of the list of the seal used shall be maintained in a register kept for the purpose.

**32. Amendment of the bye-laws. -** Subject to the approval of the competent authority, the bye-laws of the association of allottees may be amended by way of alteration, omission, insertion or addition thereto at the general body meeting by a 2/3rd of members present and voting in the general body meeting.

**PRESIDENT**

**TREASURER**

**SECRETARY**

**N.B :** The allottee and the promoter while forming the “association of allottees” may add, alter or modify any of the provisions of the model bye-laws which they consider necessary for the association of allottees but such addition and alteration or modification should not be made inconsistent with the provisions of the RE(R&D) Act, the Act and the rules made thereunder.

By Order of the Governor

G. MATHIVATHANAN

Principal Secretary to Government